

## MINUTES

### UTAH SUPREME COURT ADVISORY COMMITTEE OF THE RULES OF CIVIL PROCEDURE

**Wednesday, November 17, 2010**  
**Administrative Office of the Courts**

PRESENT: Francis M. Wikstrom, Francis J. Carney, Honorable Kate Toomey, Terrie T. McIntosh, Barbara L. Townsend, David W. Scofield, Trystan B. Smith, Honorable Derek Pullan, Lincoln L. Davies, James T. Blanch, W. Cullen Battle, Todd M. Shaughnessy, Jonathan O. Hafen, Leslie W. Slauch, Robert J. Shelby, Janet H. Smith

PHONE: David H. Moore

EXCUSED: Steve Marsden, Lori Woffinden, Honorable David O. Nuffer

STAFF: Timothy M. Shea, Sammi V. Anderson

GUESTS: Diane Abegglen, Appellate Court Administrator

#### **I. APPROVAL OF MINUTES.**

Mr. Wikstrom called the meeting to order at 4:00 p.m., and entertained comments from the committee concerning the October 27, 2010 minutes. No comments were made and Mr. Wikstrom asked for a motion that the minutes be approved. The motion was duly made and seconded, and approved.

#### **II. RULE 108. OBJECTIONS TO COURT COMMISSIONER'S RECOMMENDATIONS.**

Mr. Shea explained that three groups now looking at this proposed change: this committee, the Policy and Planning Committee and the Board of District Court Judges. Mr. Shea recommended tabling the issue until further information is forthcoming. Judge Toomey made a motion consistent with Mr. Shea's recommendation. The motion was seconded and unanimously approved.

#### **III. SIMPLIFIED RULES OF DISCOVERY.**

The committee continued to discuss the feedback, comments and concerns that have been received from the Bar, judiciary and other constituencies in response to the proposed simplified rules. Mr. Wikstrom again circulated a list of the issues identified through the comment process that require further discussion, analysis and resolution. Mr. Davies introduced a preliminary proposal for a two-track system. The committee discussed this proposal, as well as a panoply of

other related issues, at length. Mr. Wikstrom asked that committee members come prepared to continue the discussion at the next meeting.

#### **IV. ADJOURNMENT.**

The meeting was adjourned at 5:33 p.m. The next meeting will be held at 4:00 p.m. on Wednesday, December 15, 2010, at the Administrative Office of the Courts.